

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NOT FOR PUBLICATION

MICHAEL E. KEELING,

Petitioner,

ORDER

-against-

09-CV-5690 (JBW) (LB)

MICHAEL KLOPOTOSKI,

Respondent.

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BLOOM, United States Magistrate Judge:

Pro se petitioner Michael E. Keeling, currently incarcerated in Pennsylvania, seeks authorization to file a second or successive habeas corpus petition. As set forth below, this Court cannot consider the instant motion and transfers it to the United States Court of Appeals for the Second Circuit.

By Memorandum, Order & Judgment dated June 17, 2003, the Honorable Jack B. Weinstein, United States District Judge, denied petitioner's prior petition. See Keeling v. Varner, No. 99-CV-6565 (JBW), 03-MISC 0066 (JBW). The Antiterrorism and Effective Death Penalty Act of 1996 "allocates jurisdiction to the courts of appeals, not the district courts, to authorize successive habeas motions or applications." Torres v. Senkowski, 316 F.3d 147, 151 (2d Cir. 2003); 28 U.S.C. § 2244(b)(3)(A). Therefore, petitioner must move in the United States Court of Appeals for the Second Circuit for permission to pursue this successive petition for habeas corpus relief. 28 U.S.C. § 2244(b)(3)(A).

Accordingly, in the interest of justice, the Clerk of Court shall transfer this petition to the United States Court of Appeals for the Second Circuit pursuant to 28 U.S.C. § 1631. Torres, 316 F.3d at 151-52 (citing Liriano v. United States, 95 F.3d 119 (2d Cir. 1996) (per curiam)). This order closes this case. If the Circuit authorizes petitioner to proceed in this matter, petitioner shall move to reopen under this docket number.

SO ORDERED.

Dated: January 4, 2010
Brooklyn, New York

/Signed by Judge Lois Bloom/


LOIS BLOOM

United States Magistrate Judge